

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Granted.

11:25 AM, Oct 10, 2023



TERRY LEE FROMAN,	:	Case No. 2:23-cv-444
	:	
Petitioner,	:	
	:	Judge MICHAEL R. BARETT
v.	:	
	:	Chief Magistrate Judge Karen L. Litkovitz
TIM SHOOP, Warden,	:	
	:	
Respondent.	:	<i>Death Penalty Case</i>

**WARDEN'S MOTION TO WITHDRAW MOTION FOR SEALING ([ECF No. 12](#)) and
RESPONSE TO ORDERED BRIEFING ([ECF No. 14](#))**

This Court ordered the parties to brief the issue of sealing the four state court documents and the juror questionnaires. [ECF No. 14](#). In light of the agreement between the parties, the Warden now moves to withdraw the previously filed motion to seal documents ([ECF No. 12](#)).

Counsel for the Warden conferred with counsel for Froman and determined the reason for the filing of the two motions and their corresponding orders was to protect trial strategy. Since the trial was long over, there no longer was a valid reason to file them under seal in this Court. Therefore, with the consent of counsel for Froman, the Warden included those four documents in their proper place in the appendix which was filed in this Court on September 29, 2023. *See* Apx. to ROW, ECF Nos. 16-20. Therefore, the Warden respectfully moves to withdraw that portion of the previously filed motion to seal.

As to the juror questionnaires, Counsel for the Warden and counsel for Froman have reached the following agreement: the Warden has filed the juror questionnaires which were publicly filed in the state court in their proper places in the appendix (*see* Apx. to ROW, ECF

Nos. 16-20), but will withdraw the motion to file under seal the remainder of the juror questionnaires. The questionnaires the Warden initially sought to file under seal exceed 4000 pages. Rather than redact or needlessly waste the Court's time with questionnaires which may or may not ultimately prove to be related to any claims to be filed, counsel for the Warden has transmitted the entire file of juror questionnaires to counsel for Froman. In the event counsel for Froman wish to include any of the questionnaires which have not already been filed publicly in state court, the parties will confer to determine if a motion to seal or a supplemental appendix with redacted documents is most appropriate. Counsel for the Warden has agreed that the presently-unfiled juror questionnaires are, however, part of the state court record.

For the foregoing reasons, the Warden respectfully requests permission to withdraw the previously filed motion to seal ([ECF No. 12](#)).

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/ Brenda S. Leikala

BRENDA S. LEIKALA (0072635)*

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COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2023, a copy of the foregoing *Warden's Motion To Withdraw Motion for Sealing* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Brenda S. Leikala

BRENDA S. LEIKALA (0072635)

Assistant Attorney General